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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,635	11/24/2003	Robin Stevenson	GP-302389	4265

7590 03/21/2006  
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EXAMINER

AVERY, BRIDGET D

ART UNIT PAPER NUMBER

3618

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/720,635		STEVENSON, ROBIN	
	<b>Examiner</b>		<b>Art Unit</b>	
	Bridget Avery		3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 19 and 23 is/are rejected.
- 7) ☒ Claim(s) 20-22, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/24/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Species I (Figures 1-3) in the reply filed on January 6, 2006 is acknowledged. The traversal is on the ground(s) that because claims 1, 19 and 23 are both independent and generic claims that read on all species. This is not found persuasive because the generic claims are not allowable, as required by 37 CFR 1.141. (a).

37 CFR 1.141. (a) states: Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form (§ 1.75) or otherwise include all the limitations of the generic claim.

2. The requirement is still deemed proper and is therefore made FINAL.

3. Claims 17 and 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 6, 2006.

An action on the merits of claims 1-16 and 19-25 follows.

***Claim Rejections - 35 USC § 112***

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4. Claims 10-13 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between a locking surface and a retaining surface to the step apparatus.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bucklen (US Patent 3,762,742).

Bucklen teaches a door (15) and a step (12). The step is electrically positioned in response to the door opening.

6. Claims 1, 2, 5, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hawkins (US Patent 5,358,268).

Hawkins teaches a step apparatus for a vehicle having a door and a rocker panel, the apparatus including: a step (40) disposed at and in operable communication with the door (6), the step (40) having a retracted position in response to the door being closed and a deployed position in response to the door (8) being at least partially open;

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wherein the vehicle has a first ground clearance in response to the door (8) being closed and the step (40) retracted, and a second ground clearance in response to the door being open and the step deployed, the first ground clearance being equal to or greater than the second ground clearance, as shown in Figures 3-5; the first ground clearance is defined by the vehicle independent of the step apparatus; the step (40) is fully deployed in response to the door moving from a closed position to a partially open position; with respect to the rocker panel, the step has a first horizontal displacement in the retracted position and a second horizontal displacement in the deployed position, the second horizontal displacement being greater than the first horizontal displacement; the step (40) includes an offset pivot (note: shaft 60 and pin 57) about which the step (40) rotates vertically between the retracted and deployed positions, the step in the deployed position providing an entry elevation that is less than the entry elevation in the absence of the step, as clearly shown in Figure 3; and the entry elevation in the presence of the step is about 50 percent of the entry elevation in the absence of the step, based on the step being positioned at half the height of the wheels (as shown in Figure 2).

7. Claims 1, 2, 5, 9, 14-16, 19 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Green (US Patent 3,751,068).

Green teaches a step apparatus for a vehicle having a door (12) and a rocker panel defined by the body (10), the apparatus including: a step (24) disposed at and in operable communication with the door (12), the step (24) having a retracted position in

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response to the door being closed and a deployed position in response to the door being at least partially open, as clearly shown in Figures 2 and 3; wherein the vehicle has a first ground clearance in response to the door (12) being closed and the step (24) retracted, and a second ground clearance in response to the door (12) being open and the step (24) deployed, the first ground clearance being equal to or greater than the second ground clearance; the first ground clearance is defined by the vehicle independent of the step apparatus; the step (24) is fully deployed in response to the door (12) moving from a closed position to a partially open position; with respect to the rocker panel, the step (24) has a first horizontal displacement in the retracted position and a second horizontal displacement in the deployed position, the second horizontal displacement being greater than the first horizontal displacement, as shown in Figure 3; the step (24) is biased toward the retracted position via the spring (54); the door includes a drive surface for driving the step to the deployed position in response to the door being opened (note the anchor pin 52 is on that surface); and the step (24) is locked via the position of the door in the deployed position when driven to the deployed position, as suggested in column 2, lines 41-45; and the step (24) includes an offset pivot (42) about which the step rotates vertically between the retracted and deployed positions, the step (24) in the deployed position providing an entry elevation that is less than the entry elevation in the absence of the step (24). Green also teaches the method of operating a step. The steps including opening a door of the vehicle; via the opening action of the door, rotating the step vertically from a retracted substantially vertical position to a deployed substantially horizontal position, the rotating being in opposition

to a bias force biasing the step in the retracted position; and locking the step in the deployed position.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins ('268).

Hawkins teaches the features described above. Hawkins teaches a vehicle having a height greater than the height of a typical passenger vehicle and a step to assist passengers in entering the vehicle. See column 1, lines 61-67.

Hawkins lack the exact teaching a clearance of equal to or greater than 6, 9 or 15 inches.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide a clearance of equal to or greater than 6, 9 or 15 inches, since it has been held that where general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

9. Claims 3, 4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green ('068).

Green teaches the features described above.

Green lack the exact teaching of the lateral door movement being equal to or less than 15 and 28 inches and the clearance being equal to or greater than 6, 9 or 15 inches.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made to consider the door partially open when the lateral door movement is equal to or less than 15 and 28 inches and to provide a clearance of equal to or greater than 6, 9 or 15 inches, since it has been held that where general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

#### ***Allowable Subject Matter***

10. Claims 20-22, 24 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 10-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



McDaniel et al. shows an extendable vehicle running board.

Chen shows a retractable step for a truck.

Learn shows a projectable step for vehicles.

Manning shows a vehicle entrance ramp.

Kirkpatrick shows a folding step for high ground clearance vehicles.

Maske shows a step for motor vehicle.

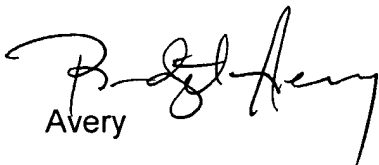
Hancock shows a two-position step for buses.

Fowler shows a vehicle step arrangement.

Claassen shows a fold-down step for pick-up trucks.

Baade shows a retractable car step.

13. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.



Avery

March 15, 2006



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